



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/169502

PRELIMINARY RECITALS

Pursuant to a petition filed October 13, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on November 10, 2015, at Richland Center, Wisconsin.

The issue for determination is whether the agency erred in determining petitioner not eligible for FS.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Richland County.
2. Petitioner lives with her husband and minor daughter.

3. Petitioner and her husband have a gross income from earned and unearned income of \$2,578.79.
4. The household's net adjusted income is \$1,827.80.
5. Petitioner underwent a FS review in August 2015.
6. The household was determined not eligible for FS and the case was closed effective 9/1/15.
7. Petitioner appealed.

DISCUSSION

At hearing, petitioner presented no specific argument relating to any asserted error made by the county. Petitioner did not dispute the detailed income numbers attributed to her household by the county's budget. She said that she merely lives paycheck to paycheck and thinks she should be entitled to FS. She also explained that she is disabled and thought all disabled persons were eligible for FS. But, FS is based on household income. I have reviewed the calculations of the agency and can find no error. The fact is that the various sources of income for the household, including wages and social security for herself and her husband, add up to a gross income of \$2,578 and a net income after appropriate deductions of \$1,827.80. A household of 3 with that income is simply not eligible for FS as the net income limit is \$1,675.

CONCLUSIONS OF LAW

The agency did not err in its determination that household income exceeded FS income limits.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of
Madison, Wisconsin, this 20th day of
November, 2015

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 20, 2015.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability